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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-cr-00086-HDM-NJK
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
ANTHONY DELANO HYLTON, JR.,)	
)	
Defendant.)	
)	
_____)	

Defendant filed a motion to dismiss arguing that counts two and five of the superseding indictment should be dismissed because federal armed bank robbery no longer qualifies as a "crime of violence" under 18 U.S.C. § 924(c), and also that the § 924(c) residual clause is void for vagueness under *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018) (ECF No. 89). The government responded arguing that defendant's motion should be denied because federal armed bank robbery does qualify as a crime of violence (ECF No. 90).

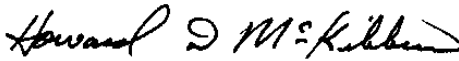
On February 1, 2018, the Ninth Circuit Court of Appeals issued its decision in *United States v. Watson*, 881 F.3d 782 (9th Cir. 2018) wherein the court held that federal armed bank robbery is a crime of violence under § 924(c). Defendant acknowledges that the

1 Ninth Circuit rejected his argument in *Watson*, but notes that he
2 makes the arguments to preserve them for *en banc* or Supreme Court
3 review. (ECF No. 89 at n. 2).

4 Given the binding nature of the Ninth Circuit's ruling,
5 defendant's motion (ECF No. 89) is **DENIED**. Because the court finds
6 that federal armed bank robbery is a crime of violence under §
7 924(c), the court need not address defendant's argument related to
8 the potential effect of *Dimaya* on the residual clause of § 924(c).

9 IT IS SO ORDERED.

10 DATED: This 23rd day of May, 2018.

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13 UNITED STATES DISTRICT JUDGE
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